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John

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/876,322 06/16/97 ROBSON

D 7: ROBSON-CON

EXAMINER

IM22/0508

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CINTINS, I	
ART UNIT	PAPER NUMBER

1724

45

DATE MAILED:

05/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/876,322

Applicant(s)

Robson et al.

Examiner

Ivars C. Cintins

Group Art Unit

1724



☒ Responsive to communication(s) filed on Feb 14, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 3-6, 8-17, 20-22, 24, and 25 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 3-6, 8-17, 20-22, 24, and 25 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over European patent application EP 0 213 252 A1. The reference teaches modifying a lignocellulosic material in the recited manner (see page 2, last paragraph of the response filed July 6, 1999). Accordingly, this reference discloses the claimed invention with the exception of the exact form (i.e. paper or fabric) of the treated lignocellulosic material. However, since the reference clearly teaches the treatment of lignocellulosic fibers (see col. 4, line 14), and since lignocellulosic fibers are typically formed into paper or fabrics, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the treated lignocellulosic fibers of this reference into such a conventional form.

Claims 1, 3-6, 8-16, 20-22, 24 and 25 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Sohnius in view of European patent application EP 0 213 252 A1. As pointed out

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in the previous Office action, Sohnius discloses removing oil from water with a cellulosic material. Accordingly, this primary reference discloses the claimed invention with the exception of the specific cellulosic material employed. European patent application EP 0 213 252 A1 discloses treating a lignocellulosic material in the recited manner, and further teaches that such treatment increases the dimensional stability of the lignocellulosic material, and also improves its resistance to biological degradation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the treated lignocellulosic material of the secondary reference for the cellulosic material of the primary reference, in order to obtain the advantages disclosed by this secondary reference for the product of the primary reference.

Claims 1, 3-6, 11, 15, 17, 20, 22, 24 and 25 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Norman et al in view of European patent application EP 0 213 252 A1. As pointed out in the previous Office action, Norman et al discloses filtering a transformer oil through paper. Accordingly, this primary reference discloses the claimed invention with the exception of the recited esterification treatment for the paper. European patent application EP 0 213 252 A1 discloses treating a lignocellulosic material in the recited manner; and it would have

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been obvious to one of ordinary skill in the art at the time the invention was made to treat the paper of the primary reference in the manner taught by the secondary reference, in order to obtain the advantages associated with such treatment for the paper of this primary reference.

Applicant's arguments filed February 14, 2000 have been noted and carefully considered but are not deemed to be persuasive of patentability. Applicant argues that there is no reason for one skilled in the art to even consider replacing the cellulosic material of Sohnius with that prepared in accordance with the EP application. This argument does not appear to be well founded. It is pointed out that the published EP application clearly teaches (see col. 1, lines 6-8) that the recited treatment will increase the dimensional stability of a lignocellulosic material, and also improve its resistance to biological degradation. Since both of these characteristics are obviously desirable for the material of Sohnius, particularly since this reference material will be used in open and rough bodies of water (see col. 1, line 21), it would have been obvious to one of ordinary skill in the liquid purification art to modify the Sohnius process in the manner proposed above. The argument that such modification would be expected to render the primary reference material less absorptive to oil (page 5, lines 2-4 of

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the latest response) appears to be based on mere speculation, and is therefore not persuasive of patentability.

Applicant also argues that the Norman patent provides no more suggestion or teaching for the use of the EP application material than does the Sohnius patent. Again, this argument has been noted and carefully considered, but is not deemed to be persuasive of patentability. It is pointed out that since dimensional stability and resistance to biological degradation are obviously desirable characteristics for the paper material utilized in the Norman et al process, it would have been obvious to one of ordinary skill in the art at the time the invention was made to treat the paper of this reference process in the manner proposed above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee

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pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Thursday from 7:30 AM to 6:00 PM.

The fax phone numbers for this art unit are: (703) 305-3599 for "Official" faxes after Final Rejection; (703) 305-7718 for all other "Official" faxes; and (703) 305-3602 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Ivars Cintins
Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
May 7, 2000